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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



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DIRECTOR

March 19, 2013

US EPA RECORDS CENTER REGION 5



467104

Mr. Garry T. Griffith, P.E.
Georgia-Pacific LLC
Milan Michigan Office
951 County Street
Milan, Michigan 48160

Dear Mr. Griffith:

SUBJECT: De Minimis Determination, Allied Paper Inc./Portage Creek/Kalamazoo River Superfund Site, Operable Unit 2: Willow Boulevard/A-Site Landfill

The Michigan Department of Environmental Quality (MDEQ) has reviewed and evaluated the Groundwater Monitoring Program De Minimis Determination Letter for the Allied Paper Inc./Portage Creek/Kalamazoo River Superfund Site, Operable Unit 2 (OU2): Willow Boulevard/A-Site Landfill, prepared by ARCADIS on behalf of Georgia-Pacific LLC (GP), dated December 18, 2012. The De Minimis Determination Letter was received on December 20, 2012. Additionally, supplemental information provided during the January 30, 2013, meeting with the MDEQ has been reviewed and evaluated.

At this time, the de minimis determination for OU2 pursuant to Section 20120e(14), Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 201), is disapproved. The de minimis request has been disapproved because the available data and the modeling effort are not considered sufficient to determine if the levels of polychlorinated biphenyls (PCBs) entering the Kalamazoo River via the groundwater and surface water interface (GSI) pathway are having a de minimis effect on the river. The basis for the disapproval is as follows:

- Information used to support the determination does not meet the requirements of Section 20120e(10)(c) that requires a model be supported by site-specific information and appropriate field measurements. The site-specific data submitted for PCBs are not of acceptable relevance and may not be representative of current site conditions. The usable groundwater data for PCBs were collected 12 years ago (2000) and represent only one round of groundwater sampling. Additionally, the site conditions have been altered since the time of data collection. A remedial action is currently ongoing that has consolidated and capped PCB-containing wastes, as well as created a clean material setback from the Kalamazoo River to conduct future groundwater monitoring. These actions have likely altered the groundwater condition and are not reflected in the data from 2000. As a result of the

site-specific data not being of acceptable relevance, no additional evaluation of the model was completed.

- The groundwater data used to support the determination do not exceed the current Part 201 generic groundwater to GSI criteria and, therefore, may not constitute a venting groundwater plume subject to a de minimis determination as allowable under Section 20120e(14).
- At the time the United States Environmental Protection Agency (USEPA) issued the Record of Decision (ROD) for OU2, September 2006, Part 201 did not include options for a de minimis determination. Consequently, the June 14, 2012, amendments to Part 201, Section 20120e, have not been designated by the USEPA as applicable or relevant and appropriate requirements for OU2.

Response activities at the site are being conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act and the 2009 Consent Decree (Civil Action No. 1-09-cv-429, United States of America v. Georgia-Pacific, LLC, May 2009) between the USEPA and GP. The MDEQ is not a party to the Consent Decree. The submittal of a de minimis determination does not relieve GP of any of the legal agreements and obligations specified in the Consent Decree and ROD. To ensure consistency with the federally required actions, the de minimis determination would require approval by the USEPA. As the ROD indicates that long-term groundwater monitoring is necessary and required to provide an ongoing performance and evaluation of the waste-in-place remedy, the request for a de minimis determination appears to be contrary to the requirements of the ROD.

- Long-term groundwater monitoring is specified as a required component of the selected remedy and serves as a measure of long-term remedy effectiveness, in addition to providing continued validation of the decision to select a remedy alternative that leaves waste residuals in place adjacent to a surface water body.
- Sections 10.3 (Long-Term Effectiveness and Permanence) and 10.4 (Reduction of Toxicity, Mobility, or Volume Through Treatment) of the ROD discuss the necessity for and importance of long-term groundwater monitoring as a validation measure that the PCB-containing residuals present a low level of risk and can be left in place.
- Section 10.3 states, "The magnitude of residual risk and exposure to human health and the environment is directly related to the adequacy and reliability of the cover system, long-term groundwater monitoring, and institutional controls."
- Section 10.4 states, "Sub-alternatives 2A, 2B, and 2C do not eliminate the potential for mobilization of contaminants to the groundwater and surface

water interface (GSI), as saturated residuals below the water table would remain at the Willow Boulevard Landfill. Long-term groundwater monitoring would verify whether PCBs are mobilizing to groundwater so that an appropriate action could be taken."

In closing, receipt of this letter fulfills the MDEQ's requirements to disapprove the de minimis determination within the 90-day period stipulated in Section 20120e(14). If you have any questions or further discussion related to this determination, please contact Ms. Kristi Zakrzewski, Project Manager, Site Assessment and Site Management Unit, Superfund Section, Remediation and Redevelopment Division, at 517-373-2937; or you may contact me.

Sincerely,



David Kline, Chief
Superfund Section
Remediation and Redevelopment Division
517-373-8354

cc: ✓ Mr. Michael Berkoff, USEPA
Mr. Jeff Keiser, CH2M Hill
Mr. Daniel O'Neill, ARCADIS
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